

APPEAL NO. 020862  
FILED MAY 23, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on March 19, 2002. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury in the form of an occupational disease; that the date of injury was \_\_\_\_\_; and that the claimant has not had disability as a result of the occupational disease. The appellant (carrier) appealed the hearing officer's decision that the claimant sustained a compensable injury in the form of an occupational disease. The claimant responded, requesting affirmance. There is no appeal of the hearing officer's determinations on the issues of the date of injury and disability.

DECISION

The hearing officer's decision is affirmed.

The claimant had the burden to prove that he sustained an occupational disease as defined by Section 401.011(34). The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer's determination that the claimant sustained a compensable occupational disease is supported by the claimant's testimony and by the reports and opinion of the claimant's treating doctor. The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The claimant did not file an appeal. The claimant contends in his response that the carrier waived its right to dispute compensability under Section 409.021. Since waiver was not an issue at the CCH, it is not addressed on appeal. The claimant also asserts in his response that the employer's general manager should not have been allowed to testify. Since the claimant did not object to the general manager's testimony at the CCH, he cannot complain about it on appeal. With regard to the claimant's request for the Appeals Panel to investigate "potential violations" and "bad faith" regarding his claim, the Appeals Panel does not undertake such matters. See Section 410.203.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN MOTORISTS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

---

Robert W. Potts  
Appeals Judge

CONCUR:

---

Elaine M. Chaney  
Appeals Judge

---

Gary L. Kilgore  
Appeals Judge